

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer

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Plaintiff,

69cv07941 JEC-ACE

CLERK-SANTA FE

v.

ROMAN ARAGON, *et. al.*,
Defendants.

RIO CHAMA STREAM SYSTEM
Rutheron & Plaza Blanca, Section 7
Subfile No: CHRU-004-0039

STATEMENT OF OMITTED CLAIM

COMES NOW Cassutt, Hays & Friedman, P.A., and on behalf of claimants, Norm Vogt and Norm Vogt, Inc. ("Claimant") states as follows:

1. On September 25, 1995, Norm Vogt purchased from D.K. Davis a 67.43 acre parcel of land and on October 23, 1995 Mr. Vogt deed this 67.43 acre parcel to Norm Vogt, Inc. This parcel was subdivided and a portion of the parcel containing 5.05 acres ("Tract C") was sold by Norm Vogt, Inc. to Hope Miner in or about December of 1998. The sale of Tract C to Hope Miner specifically excluded any water rights appurtenant to Tract C.
2. Norm Vogt, Inc. in a separate subsequent transaction, sold to Hope Miner 2.75 acre-feet of water rights appurtenant to 1.833 acres of land on Tract C (1.833 acres multiplied by 1.5 for every acre conveyed).
3. All other water rights associated with Tract C are still owned by Norm Vogt, Inc. Specifically, Norm Vogt, Inc. is entitled to water right associated with 3.22 acres of land that have been improperly and mistakenly recognized in the Consent Order as belonging to Hope Miner.

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Respectfully submitted,
CASSUTT, HAYS & FRIEDMAN, P.A.

By: 

Gary S. Friedman

Attorneys for Norm Vogt, Inc. & Norm Vogt
530-B Harkle Road
Santa Fe, New Mexico 87505
(505) 989-1434